IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Crl.MC.No. 3797 of 2007()

CC.1858/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR

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PETITIONER: ACCUSED

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1. K.C.SREERANGH,
   S/O.K.J.CHANDRASEKHARAN, AGED 29,
   KODAPPANACKAL HOUSE, ARIMBOOR P.O., THRISSUR.

2. K.J.CHANDRASEKHARAN,
   S/O.THALIYAN, AGED 61, KODAPPANACKAL HOUSE,
   ARIMBOOR P.O., THRISSUR.

3. E.N.RUKMINI,
   W/O.K.J.CHANDRASEKHARAN, AGED 53,
   KODAPPANACKAL HOUSE, ARIBOOR P.O., THRISSUR.

BY ADV. SRI.C.JAYACHANDRAN
SRI.R.PARTHASARATHY

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. NIMI VENUGOPALAN.K.,
   D/O.VENUGOPALAN K.K., AGED 24,
   'MADHURAM' KUNNATH HOUSE,
   P.O.AVANOOR, AVANOOR VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.BIJI MATHEW
PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3797 of 2007

Dated this the 19th day of December 2007

O R D E R

The petitioners face indictment in a prosecution for offence punishable inter alia under Section 498A I.P.C. They are the husband, father-in-law and mother-in-law respectively of the second respondent/ de facto complainant. Cognizance has been taken on the basis of the final report submitted by the police after investigation. Proceedings are pending before the Judicial First Class Magistrate Court-II, Thrissur as C.C.No.1858/2007. But during the pendency of the proceedings, the parties have settled all the disputes between them. The second respondent has settled all the disputes with petitioners 1 to 3 and has also compounded the offence allegedly committed by the petitioners against her. The petitioners along with the second respondent have come before this court to report such statement/composition to pray that the proceedings may be prematurely terminated by invoking the extraordinary inherent jurisdiction under Section 482 Cr.P.C. The second respondent has also filed an affidavit in support of her assertions. The

learned counsel for the second respondent vouches that the matter has been settled between the parties and the second respondent has compounded the offence allegedly committed by petitioners 1 to 3.

2. I am satisfied from the submissions made at the Bar and the joint statement filed by the rival contestants duly countersigned by their respective counsel that the dispute have been settled and the first respondent has compounded the offence allegedly committed by the petitioners. If legally permissible, I am satisfied that the composition can be accepted and premature termination of the proceedings can be brought about. But the offence under Section 498A I.P.C is not legally compoundable under Section 320 Cr.P.C. The learned counsel for the contestants, in these circumstances, rightly rely on the decision of the Supreme Court in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386]. That decision is authority for the proposition that the interests of justice may, at times, transcend the interests of mere law and in such circumstances, the stipulations of Section 320 Cr.P.C cannot be held to fetter the sweep, width and amplitude of the extraordinary inherent

jurisdiction under Section 482 Cr.P.C. I am satisfied that this is an eminently fit case where the powers under Section 482 Cr.P.C, as explained in the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] can and ought to be invoked and proceedings initiated against the respondents by the petitioner brought to premature termination.

3. In the result, this petition is allowed. C.C No. 1858/2007 pending before the Judicial First Class Magistrate Court-II, Thrissur against the petitioners is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007